

## **CHILD CARE LICENSING ADVISORY COMMITTEE MINUTES**

14 May 2009

Cannon Health Building 228 North 1460 West Room 114

Salt Lake City, Utah

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**Members Present:** Dale Smith, David Rothschild, Diane Wilkinson, Michael Libeck, Carol Thompson, Susan Williams-Ashby, Jodi Jensen, Ed Dieringer, Joni Hemond

**Bureau Staff Present:** Teresa Whiting, Donna Thomas, Lynda Worthington, Joyce Hasting, Karrie Phillips, Joan Isom, Sherri Lizotte, Colleen Murphy, Sheila Oelerich

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Since there were new committee members, all committee members introduced themselves.

### **REVIEW AND APPROVAL OF MINUTES**

Minutes from September 11, 2008, November 13, 2008, January 8, 2009, and March 12, 2009 were approved as written.

### **OLD BUSINESS**

#### Update on Committee Membership

Dr. Babitz is looking for a health care professional.

Bureau staff is looking for a family licensed provider and a residential certificate provider.

#### Update on Rule Interpretation Manual

Ms. Oelerich reported the following update to the home providers' interpretation manual:

- 90-6(17) and 50-6(17) Licensors will not be assessing S-hooks on the top cross bars of swing sets.

Ms. Murphy reported the following updates to the center interpretation manual:

- 100-5(5) Sidewalks and walkways wider than three feet need a three-foot wide clearance of snow and ice.
- 100-6(13)(n) Licensors will not be assessing S-hooks on the top cross bars of swing sets.
- 100-7(1) If a director quits, licensors will not issue a finding for not having a qualified director until 30 days have passed.
- 100-12(9)(a) Waterfall climbers under 18 inches in height can be located on carpeting.

- 100-16(11) The date of hire is the first date of paid employment.
- 100-24(22) Enough toys means that if some toys are removed for cleaning there are still enough toys for all children to be engaged in play.

#### Update on the Out of School Time Rules

Ms. Whiting reported that they are being reviewed by the Bureau's legal department. When these rules are sent out for public comment, post cards will be sent to all center providers and an e-mail will be sent to the committee and all interested parties.

#### Update on Center Rules

There were no comments on the revisions to the center rules. They will be effective on July 1, 2009. Joyce Hasting will provide statewide training on these rule changes and on changes to the paperwork process.

#### Update on Voluntary Quality Rated/Starred Licenses

Ms. Whiting stated that the Bureau needs its new database completed before this program can go into effect. The database may be complete by the end of December but will probably be complete sometime in the spring. She asked if the Committee wanted to resume the discussion on this topic in the spring.

Ms. Silver and Mr. Anderson proposed continuing the discussion now, so that decisions can be made and ready to implement when the new database is complete. Mr. Smith suggested inviting a representative from DTS to the next meeting for a status report on the new database. Mr. Dieringer suggested forming a sub-committee to study this issue. Ms. Whiting said she appreciates the input of the entire committee, with their diverse areas of expertise.

Ms. Whiting talked about the information regarding compliance history of regulated providers on the Salt Lake Tribune's web page. It is very time consuming for the Bureau to pull this information each year. When the new database is completed, the Bureau would like to put this information on our website, at the same time we would put providers' voluntary quality ratings there, so that the Bureau can respond to future GRAMA requests for it by referring requesters to our website. Johnny Anderson, UPCCA, pointed out that the Tribune public website only lists providers with cited findings, which is a lose-lose for providers.

It was agreed that voluntary rated licenses will be on the agenda for the next meeting. Ms. Whiting will send out to committee members electronic copies of all documents that the committee has reviewed so far about rated licenses.

## **NEW BUSINESS**

### Discussion of New Inspection Fee for Noncompliant Facilities

Ms. Whiting explained that, in the last session, the Legislative Analyst changed the Bureau's fee schedule and added a \$25 fee for noncompliant facilities. They expect us to collect an additional \$40,000 in fees through this added fee. Our Legislative Fiscal Analyst has told the Bureau that if they do not implement this fee and collect the expected revenue, the \$40,000 will be taken out of our budget.

Ms. Whiting suggested two ways the Bureau could assess this fee. After each announced and unannounced inspection with findings and after each complaint investigation with findings, providers could have one "free" follow-up inspection. If there are still findings after that follow-up inspection, the provider would be assessed a \$25 fee for each additional follow-up inspection that is needed. Also, providers who are on a conditional license or certificate for noncompliance would be assessed a \$25 fee for each monitoring inspection that takes place during the time the conditional license or certificate is in effect.

Mr. Anderson said it is more fair to charge providers for additional visits than to increase licensing fees for everyone.

Mr. Smith asked about follow-up inspections if there was one noncompliance item at an inspection and it was corrected on site. Ms. Whiting will bring decisions about this issue to the next meeting.

Ms. Jensen asked about levels of findings and Ms. Whiting explained the difference between technical assistance and cited findings.

Ms. Silver requested that a post card be sent to the providers before the \$25 fee is implemented. Ms. Whiting said the Bureau will do that.

After discussion, the committee recommended that if a new finding was issued at a follow-up inspection, there was one "free" follow-up to that specific finding before the new \$25 noncompliance fee was assessed.

### Discussion of How Many Days per Week Requires a Child Care License

Ms. Whiting explained that this is not in definition or rule. She said that the Bureau's division level staff suggest requiring a license if care is provided three days or more a week.

The committee's recommendation is that a license should be required if care is provided for four or more hours on one or more days a week.

### Information Regarding SB81

Ms. Whiting explained that, beginning July 1, 2009, a new state law goes into effect that will require the Bureau to verify the legal status of each license and each certificate holder, before a new or renewal license or certificate is issued. DOH legal staff have found that Oklahoma has a rule that is most like the new Utah rule. The Bureau will adopt a procedure similar to Oklahoma's.

Mr. Smith asked if a passport can be used in place of a driver's license for verification. Ms. Whiting said she will check with the Department's legal staff. Mr. Smith asked if we can accept an I-9. Ms. Whiting said that an I-9 is a form for employers. Mr. Smith asked if we could look at the documents required for an I-9. Ms. Whiting said she will check with our legal department.

### **PUBLIC COMMENTS**

Mr. Smith asked if there were any other comments or issues from the public. There were none.

The meeting adjourned at 11:30 am.